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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,615	11/09/1998	NIELS GEBAUER	33012/246	5678

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/189,615	GEBAUER, NIELS	
	Examiner	Art Unit	
	Greta L. Robinson	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 20 March 2006.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-22 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Claims 1-22 are pending in the present application.
2. Claims 1, 2, 4, 6, 7, 8, 11, 13, 16, 18, 21 and 22 have been amended.

Response to Arguments

3. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

In the response Applicant argued prior art reference Madan et al. uses "messages" to communicate between software programs, whereas the claimed invention uses messages to communicate between software programs and people. Further Applicant argues the claims have been amended to require that the claimed unavailability message be embodied as an HTML display page to actually notify the human user of the unavailability of the claimed database management system.

In response to Applicants argument note *newly cited* reference **Bhatia** who teaches a software architecture of a LAN modem that includes a web server that can *dynamically construct a web page with a predefined sequence* or code segment. The HTML code segment can be represented as *dialog box* with a predefined message such as notification of a detected fault condition (i.e. unavailability message).

Specification

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

See page 28 line 23, and page 29 line 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over COOL ICE User's Guide release 1.0 in view of Bhatia US Patent 6,094,659.

Regarding claim 1, COOL ICE teaches a data processing environment having a user terminal which is generates a service request coupled to a publicly accessible digital communications network and having a data base management system which received and responds to said service request when available by execution of an ordered sequence of command language script, the improvement comprising:

a server coupled to said terminal via said publicly accessible digital communications network and coupled to said data base management system wherein said server includes an administration management system [note: figure 1-1 Cool ICE environment;

page 1-4 designing web services; figures 1-2 and 1-4; page 1-8 through 110, page 1-15].

Although Cool ICE teaches the invention substantially as cited above, it does not teach “transferring an unavailability message as an HTML display page to said user terminal in response to said service request when said data base management system is unavailable to receive and respond to said service request which signifies ... request will not be honored ...” Bhatia teaches this feature. Bhatia teaches a dynamically constructing a web page that includes a predefined sequence of information or code segments wherein the segments may represent a dialog box with an event-specific textual message to display a specific nature such as a detected fault condition [see: col. 7 lines 4-26; col. 24 lines 12-46 and lines 57-66; Figure 4B]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Bhatia with Cool ICE User's Guide because Bhatia is concerned with informing a user of a failure condition through a set of predefined messages and a status message is an important message that can be implemented with a high level language for communication.

7. Regarding claim 2: a repository for storing said unavailability message [note: Bhatia, Figure 20 Repository of Documents (1860); col. 60 lines 17-25].

Regarding claim 3, wherein said publicly accessible digital communications network is the world wide web [note: COOL ICE Figure 1-1 Internet/Intranet].

Regarding claim 4, wherein said repository includes space for storage of at least one variable for said unavailability message permitting an administrator to modify said unavailability message [see: COOL ICE page 2-1 through 2-3 note sections on availability, enable network service, modify category, and modify fields as appropriate].

Regarding claim 5, wherein said database management system is a commercial data base management system [note: Figure 1-2 page 1-6].

8. The limitations of claims 6-22 have been addressed above in claims 1-5, except for the following: transferring an unavailability message to said user terminal if said determining step determines data base management system is not currently capable of honoring said service request [note: Bhatia Figure 4B; col. 7 lines 4-26 protocol may be event-specific; col. 24 lines 23-39].

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mason et al. US Patent 6,920,637 B2

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



GRETAL ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
May 26, 2006